United Nations A/HRC/32/42/Add.6

General Assembly

Distr.: General
16 June 2016

English only

Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia: comments by the State

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the comments by the State on the report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia.

GE.16-10052(E)
1610052

Please recycle

Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia: comments by the State*

1. The following document represents the views and comments of the Government of Georgia (hereinafter the Government or the GoG) in respect of the Report of the Special Rapporteur on violence against women, its causes and consequences, drafted following a country visit to Georgia from 15 to 19 February 2016.

2. The Government thanks the Special Rapporteur for the assessments and recommendations and welcomes this opportunity to respond to the report.

I. Comments and observations of the Government of Georgia on the Report of the Special Rapporteur on violence against women, its causes and consequences

3. Concerning **paragraph 7** of the Report, the Government would like to clarify that on 9 April 1991, Georgia declared its independence from the Soviet Union and was confronted with separatist groups backed by Russia, which resulted in conflicts on the territory of Georgia and displacement of hundreds of thousands of ethnic Georgians from Abkhazia, Georgia and Tskhinvali Region/South Ossetia, Georgia. Russia-Georgia war of August 2008 and subsequent occupation of 20% of Georgian territories created a new wave of internal displacement.

4. With regard to **paragraph 12** of the Report, stating that the Special Rapporteur is *"concerned that some cases are registered by the police under 'family conflict', which also leave cases of domestic violence invisible"*, the GoG would like to clarify that the police registers cases under "family conflict" only when they do not comprise the elements of violence however there is a need to register the fact for further use (in order to identify permanent nature/continuation of the conflict).

5. Concerning **paragraph 17** of the Report, it should be mentioned that from October 2016, State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking will start development of the service standards for the victims of sexual violence. After the above-mentioned the fund will take measure to launch the services starting January, 2017. In addition, personnel of shelters, crisis center and hotline will be trained on issues of sexual violence in 2016-2017.

6. With regard to **paragraph 24** of the Report, the GoG would like to clarify that according to Georgian legislation, compulsory general education comprises 9 grades, from age 6 to age 14. Consequently, from our point of view, the term "drop-outs", should not be applied to students after age 14. It should be stressed that there are alternative ways to complete full general education. There are a lot of cases when pupils who left school after the 9th grade due to marriages after certain period of time go back to school and continue their studies.

7. With regard to **paragraph 36** of the Report, stating that "*an important problem is the language barrier among minority ethnic groups and difficulty in some cases for women to report cases of violence, in particular because of the lack of interpretation*", the GoG

* Reproduced as received.

would like to kindly clarify that the situation in this regard is following: in the regions compactly populated by Armenian and Azerbaijani minorities the population faces no language-related difficulties while applying to the local authorities, local law-enforcement agencies: verbal clarifications are provided in their native languages and also ethnic minorities are assisted in translation/interpretation. Other ethnic minority groups (besides Armenians and Azerbaijanis in the regions of their compact settlement) have no state language -related difficulties.

Complementary note:

8. Awareness-raising/information campaign for ethnic minority women on their rights, on equality as well as on specific issues like education, civic participation and early marriages are conducted by relevant agencies and local authorities in cooperation with civil society organizations.

9. Ethnic minority women and medical personnel in the regions are provided with information on state healthcare program and social benefits, on various diseases and their prevention in their native languages; information materials are prepared in minority languages and distributed.

10. It should be underlined that since 2016 the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking has been implementing an active PR campaign to raise public awareness among the ethnic minority groups. Currently, 4 meetings have been conducted with ethnically Kist and Azerbaijani population.

11. Promotion of raising awareness of general population on violence against women and domestic violence is one of the priorities for the Government of Georgia. In this regard, the representatives of the Ministry of Justice of Georgia (*hereinafter* - MOJ) permanently organize information meetings for local population, especially for ethnic minorities and those who are living in rural areas. They are informed about their rights to be protected from violence and available state run services for the victims of violence and domestic violence.

12. Furthermore, the Ministry of Justice of Georgia promotes engagement of civil society organization in preventive measures on violence against women and strengthens cooperation with NGOs in this field. Therefore, in 2015 MOJ issued one-off grant of 15,000 GEL for the local NGO which conducted different awareness raising activities on violence against women and domestic violence. Within the framework of the grant project information meetings were held in all regions of Georgia, 5000 multilingual leaflets (Georgian, English, Russian, Azerbaijanian and Armenian) were produced and disseminated, also, a short film (video) was produced and broadcasted on local TV stations.

13. Apart from this, MOJ will conduct 2-months awareness raising campaign in 2016. Different activities (Production and dissemination of the video; Information meetings with local population, etc.) are included in the information campaign which particularly aims at informing general population about the novelties introduced in national legislation on violence against women and domestic violence; promoting civil responsibility all persons and encouraging them to report the violence cases, even if they are only the direct or indirect witnesses of violence/crime.

14. With regard to **paragraph 36 and 39** it should be noted that the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking implements an active informational campaign in terms of prevention of domestic violence, protection and assistance of the victims of violence on the mechanisms existing in the country for the youth at schools, universities and in the IDP settlements. During the meetings informational brochures in four languages (Georgian, Russian, Azerbaijani and Armenian) are

disseminated and face to face communication/consultations conducted with the target groups.

15. With regard to **paragraph 40** of the Report, stating that "*internally displaced women tend to be more affected by sexual and gender-based violence, this problem is mainly denied among this group of women*", the GoG, while recognizing that women are often the targets of sexual violence during armed conflict and the process of displacement, would like to note that currently no facts of sexual and gender-based violence against internally displaced women have been detected.

16. With regard to **paragraphs 45, 46, 86 and 100 (d)** of the Report, the GoG would like to note that currently, there are 4 State funded **Shelters** for DV victims (in Tbilisi-17 beds, Gori -22 beds, Kutaisi-17 beds, Sighnagi-10 beds). So far, there has been no case, when the victim of domestic violence was denied the services due to lack of places in the shelters. Currently, all requests are met and there are vacant places available. Thus, necessity for more places in the shelters at this stage is not identified._ Shelters for the victims of domestic violence operated by the State fund and existing services of the shelters are available for the victims of domestic violence regardless of beneficiary's race, color, language, sex, age, citizenship, place of birth or residence, property ownership or social conditions, religion or faith, national, ethnic or social origin, profession, marital status, health condition, impairment, sexual orientation, gender identity, political or other opinion, or any other reason.

17. As for the **Crisis Center,** repair/reconstruction works of the building was finished in spring 2016. Starting from June 2016 the building will be furnished and equipped. Crisis center will start functioning on 1st of September, 2016.

18. With regard to **paragraph 54** of the report the GoG would like to clarify that from October 2015 Government of Georgia started the drafting process of the new National Action Plan on implementation of the UNSC resolution N 1325. In order to ensure quality of the new Action Plan, with the support of the UN-Women, Government of Georgia organized 3 day training course on development of indicators, coordination and accountability and budgeting. The action plan is finalized and ready to be adopted in the nearest future with the new guarantees such as additional budget section, outcome indicators, identified leading and cooperating agencies - new approach that simplifies evaluation of the implementation of the plan. The process of its elaboration was very inclusive and participatory.

19. With regard to **paragraphs 57, 88 and 100 (d)** the GoG would like to underline that according to Paragraph 2 of Article 18 (1) of Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence "*a crisis centre shall be established within the system of the Ministry for Labour, Health and Social Affairs of Georgia as a noncommercial legal entity. A crisis centre established by a non-commercial legal person shall meet the minimum standards determined for institutions of such type by the Ministry for Labour, Health and Social Affairs of Georgia*".

20. Crisis center is a place for temporary accommodation of alleged victims and victims of domestic violence and it is intended for psychological and social rehabilitation, primary and emergency medical aid and legal assistance.

21. In this regard, the GoG would like to note, that the State Crisis Center will start functioning on September 2016 (in the frames of the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking). Alleged victims of violence will be provided with the service of the Crisis Center (psycho-social rehabilitation, legal and emergency medical assistance), before obtaining the status of victim.

22. With regard to **paragraph 68** of the Report, the GoG would like to underline that in September 2015 at Global Leader's Meeting in New York, former Prime Minister committed to further improve Georgia's agenda on gender equality and women's empowerment policy framework by setting up an Inter-Ministerial Commission on Gender Equality and Women's Empowerment. Since then with the assistance of the UN Country Team in Georgia, considerable work has been done by the GoG to develop a relevant legal framework to be approved in the nearest future. The Commission shall be mandated *inter alia* to formulate gender equality strategy and thematic action plans including National Action Plan on the implementation of the UNSCR 1325 and ensure its effective implementation by well-coordinated inter-ministerial approach. "

23. With regard to **paragraphs 82, 100 (e), 100 (g) and 101 (b)** of the Report, the GoG would like to kindly clarify that LEPL State Fund for Protection and assistance of (Statutory) Victims of Human Trafficking has launched USAID funded Reduction of Domestic Violence Project in November 2015. Project aims at improvement of the country's DV protection and prevention mechanisms. With this purpose local and international experts were recruited in order to develop: 1. National Referral Mechanism; 2. Training module for the social workers.

24. At the end of May 2016 the training of trainers started, which envisages the training of 20 senior social workers who will train their fellow social workers before the end of summer 2016. Overall it is planned to train 350 social workers during 3 year period (among them 10-20 social workers from the non-governmental organizations will be trained).

25. From May 2016 the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking is implementing UNFPA funded project which aims at supporting the GoG to improve the protection mechanisms of the DV victims and support the national referral mechanisms through the involvement of healthcare workers.

26. With regard to **paragraph 83** the Government would like to clarify that from September 2016, the State Fund plans to improve the material and technical facilities of the hotline of domestic violence (116-006) in the frames of UNWOMEN grant. Latter provides a system for monitoring incoming calls, as well as ensuring the involvement of an interpreter, in the conference mode of communication between the subscriber and the operator, that will increase the availability of the hotline service for the representatives of the ethnic minorities.

27. With regard to **paragraph 87** the GoG would like to kindly clarify that in order to provide the service of shelter, the beneficiary and the State fund sign a contract (hereinafter contract) for 3 months taking in consideration the validity period of the status of the victim. A week before expiration of the contract, the multidisciplinary team of the shelter assesses the condition of the beneficiary. If necessary, the contract will be extended multiple times as per victim's condition and interests.

28. With regard to **paragraph 93** stating that *"in numerous cases the police do not provide adequate help and information on shelters or restraining orders to the victims of domestic violence and that the investigations are halted when a victim withdraws her statement"*, the GoG clarifies that Criminal Procedural Code of Georgia defines the conditions for termination of the investigation. Withdrawal of the statement cannot be a legal base to halt the investigation.

29. Concerning **paragraph 94** stating that *"the number of prosecutions is low, in comparison with the number of cases reported"* the GoG would like to clarify that according to the official statistical data in 2014 an investigation under the Article 126.1 of the CCP (domestic violence) was initiated on 634 cases while the same year 411 offenders were prosecuted, so 65% of cases were thoroughly investigated.

30. In 2015, there were 1151 criminal cases under article 126.1 of the CCP. With 725 persons prosecuted, 63% of DV cases in 2015 were investigated.

31. With regard to **recommendation 99 (e)** according to which Georgia is recommended to "*establish a national mechanism for implementing treaty bodies decisions including recommendations of the CEDAW case X. and Y. v. Georgia (N° 24/2009) on allocation of adequate financial compensation to the victims*" the GoG kindly notes that the Ministry of Justice of Georgia has elaborated draft amendments to the Criminal Procedure Code of Georgia, Administrative Procedure Code of Georgia, Civil Procedure Code of Georgia and the Law on State Fees of Georgia aiming at establishing of a national mechanism for the effective implementation of the UN treaty bodies' decisions. The amendments were adopted by the Parliament of Georgia on 27 April and enacted on 15 May 2016.

32. According to the recent amendments, a person can claim to the national court for adequate financial compensation based on the decision of the UN Human Rights Committee, the Committee on Elimination of Discrimination against Women (CEDAW), the Committee on the Elimination of Racial Discrimination (CERD) and the Committee against Torture (CAT). This provision has a retroactive character, therefore X and Y mentioned in the draft Report of the Mandate Holder can apply for adequate financial compensation based on the decision of the CEDAW Committee upon the reference to the court.

33. With regard to **recommendation 99 (w)** in frames of the USAID funded project "Reduction of domestic violence", State fund for Protection and Assistance of (Statutory) Victims of Human Trafficking plans the active public awareness-raising campaign throughout the country. The PSA video, audio and graphic clips will be produced and placed in the TV/Radio spots. Also public meetings and lectures are held in every city in the universities, community centers, schools and other public places.

34. With regard to **recommendation 100 (f)** the GoG would like to clarify that from September 2016, the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking plans to improve the material and technical facilities of the hotline of domestic violence (116-006) in the frames of UNWOMEN grant. This provides a system for monitoring incoming calls, as well as ensuring the involvement of an interpreter, in the conference mode of communication between the caller and the operator, that will enable minority representatives to receive consultations from the hotline service.

35. With regard to **recommendation 101 (d)**, it should be noted that in 2015 the State fund has renewed memorandums of understanding for prevention, effective protection and assistance of the victims of domestic violence with the following local non-governmental organizations: Advice Center for Women "Sakhli"; Georgian Young Lawyers' Association; Anti-Violence Network of Georgia; Women's Information Centre; Georgian Association for Promotion of Women's Employment "Amagdari'.